

Senate Bill 344

By: Senators Moody of the 56th, Hooks of the 14th, Seabaugh of the 28th, Golden of the 8th, Chance of the 16th and others

**AS PASSED**

**AN ACT**

To amend Titles 2, 10, 12, 20, 46, and 50 of the Official Code of Georgia Annotated, relating to agriculture, commerce and trade, conservation and natural resources, education, public utilities and public transportation, and state government, respectively, so as to repeal and abolish certain boards and commissions that have become inactive, obsolete, antiquated, or unnecessary; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended by revising Code Section 2-15-3, relating to the Pacific White Shrimp Aquaculture Development Advisory Council, as follows:

"2-15-3.

Reserved."

**SECTION 2.**

Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is amended by revising Code Section 10-4-110, relating to the Georgia Tobacco Advisory Board, as follows:

"10-4-110.

Reserved."

**SECTION 3.**

Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, is amended by repealing and reserving Part 4 of Article 7 of Chapter 3, relating to the Kinchafoonee Lake Authority.

**SECTION 4.**

Said title is further amended by repealing Article 12 of Chapter 3, relating to the Power Alley Development Authority.

**SECTION 5.**

Said title is further amended by revising Code Section 12-5-23.3, relating to the State Waste-water Privatization Oversight Committee, as follows:

"12-5-23.3.

(a) For purposes of this Code section only, the term:

(1) 'LAS permit' means Land Application System permit.

(2) 'NPDES permit' means National Pollutant Discharge Elimination System permit.

(3) 'Waste-water treatment facilities' means all publicly owned facilities with average monthly flow limits of 20 million gallons per day or more that have been issued NPDES permits or LAS permits.

(b) The director shall provide written notice to owners of all waste-water treatment facilities that the privatization requirements specified in subsection (c) of this Code section are in effect if the owner of such facility has violated its NPDES or LAS permit, or any interim conditions established by a federal court order, as follows:

(1) A violation of the facility's monthly effluent limitation specified in the NPDES permit or conditions of a federal court order for biochemical oxygen demand, total suspended solids, ammonia, or phosphorus for any eight months during any continuous 12 month period starting on or after January 1, 1999;

(2) A violation of the facility's monthly effluent limitation specified in the NPDES permit or conditions of a federal court order for biochemical oxygen demand, total suspended solids, ammonia, or phosphorus by a factor of 1.4 or greater for any four months during any continuous 12 month period, starting on or after January 1, 1999; or

(3) Three major treatment facility bypasses during any continuous 12 month period starting on or after January 1, 1999. For purposes of this paragraph, the term 'major treatment facility bypass' shall mean any diversion of waste water from or bypassing of waste water around the treatment facility, excluding sewer system overflows; provided, however, that this shall not include any bypass which is authorized by any NPDES or LAS permit or any bypass which is necessary to prevent loss of life, bodily injury, or severe property damage.

(c) Within 12 months of receipt of written notification from the director in accordance with subsection (b) of this Code section, the owner shall enter into a binding contract with a private contractor for the operation and maintenance of the waste-water facility as follows:

- (1) The contractor shall be selected, and the contract shall be awarded, through competitive bidding, in accordance with the public procurement processes and procedures then in effect for the public owner or, at the option of the owner, through competitive bidding by the Department of Administrative Services in accordance with and as permitted by Part 2 of Article 3 of Chapter 5 of Title 50;
- (2) The scope of the contract shall include the operation and maintenance of the entire facility and sewer collection system, including combined sewer overflow treatment facilities, by the selected contractor;
- (3) Notwithstanding any provisions of law to the contrary, the term of the contract shall be not less than ten years nor more than 50 years; and
- (4) The contract shall meet all applicable state and local laws, rules, and regulations pertinent to the awarding, drafting, enforcement, and administration of such contract and shall contain such other contractual provisions as may be reasonably necessary for the effective enforcement and administration of the contract."

#### **SECTION 6.**

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by revising Code Section 20-2-301, relating to the Coordinating Committee for Exceptional Individuals, as follows:

"20-2-301.

Reserved."

#### **SECTION 7.**

Said title is further amended by revising subsection (a) of Code Section 20-2-320, relating to the Education Information Steering Committee and identification of data to implement Quality Basic Education Program, as follows:

"(a) There shall be a state-wide comprehensive educational information system which will provide for the accurate, seamless, and timely flow of information from local and regional education agencies, units of the University System of Georgia, and technical schools and colleges to the state. The system design shall include hardware, software, data, collection methods and times, training, maintenance, communications, security of data, and installation specifications and any other relevant specifications needed for the successful

implementation of the system. The state-wide comprehensive educational information system shall not use a student's social security number or an employee's social security number in violation of state or federal law to identify a student or employee. Upon approval of the boards of the respective education agencies, such boards shall issue appropriate requests for proposals to implement a state-wide comprehensive educational information system, subject to appropriation by the General Assembly. The boards of the respective education agencies, at the direction of the Education Coordinating Council, shall initiate contracts with appropriate vendors and local units of administration for the procurement of services, purchase of hardware and software, and for any other purpose as directed by the Education Coordinating Council, consistent with appropriation by the General Assembly."

#### **SECTION 8.**

Said title is further amended by revising Code Section 20-3-84, relating to the Center for Trade and Technology Transfer, as follows:

"20-3-84.

Reserved."

#### **SECTION 9.**

Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public transportation, is amended by revising Code Section 46-4-160.4, relating to the Natural Gas Consumer Education Advisory Board, as follows:

"46-4-160.4.

Reserved."

#### **SECTION 10.**

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by repealing Article 5 of Chapter 5, relating to communication services.

#### **SECTION 11.**

Said title is further amended by repealing and reserving Chapter 30, relating to Georgia Institute for Community Business Development.

**SECTION 12.**

Said title is further amended by repealing and reserving Chapter 35, relating to the Georgia Environmental Training and Education Authority.

**SECTION 13.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

**SECTION 14.**

All laws and parts of laws in conflict with this Act are repealed.